

## TWENTY-NINTH DAY.

(Continued.)

(Wednesday, February 23, 1921.)

The House met at 10 o'clock a. m., and was called to order by Speaker Thomas.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 23, 1921.

Hon. Chas. G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 273, A bill to be entitled "An Act to amend Sections 1 and 7 of Chapter 13 of the Special Laws of the Twenty-ninth Legislature, creating a more efficient road system for Caldwell county, Texas, making the county commissioners of said county ex-officio road supervisors, prescribing their duties, providing compensation for their services and designating the funds out of which said compensation is to be paid, and requiring that they give bond; providing the length of time road overseers may be worked on the public road, and fixing the compensation which may be paid said overseers for overtime, and declaring an emergency."

S. B. No. 274, A bill to be entitled "An Act creating the Sharyland Independent School District, situated in Hidalgo county, out of territory situated in the McAllen Independent School District; defining its metes and bounds, conforming the boundaries of the McAllen Independent School District thereto; vesting said created district with the rights, powers, privileges and duties of a town or village incorporated under the general law for school purposes only; providing for a board of trustees to manage and control the public free schools within said district, vesting in said board all the rights, powers, privileges and duties conferred and imposed by the general law of this State upon the trustees of independent school districts, and declaring an emergency."

And has refused to pass to engrossment

S. B. No. 127, A bill to be entitled "An Act amending Articles 6901a, 6901b, 6901d and 6901e of Chapter 1, Title 119, of the Revised Civil Statutes of Texas of 1911, as enacted by Chapter 29 of the General Laws of the Fourth Called Session of the Thirty-fifth Legis-

lature, and as amended by Chapter 98 of the General Laws of the Regular Session of the Thirty-sixth Legislature, and amending Article 6901c of said chapter and title of the Revised Civil Statutes of Texas of 1911, as enacted by Chapter 29 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and adding thereto Article 6901ec and 6901dd; all of which articles of the statutes relate to the compensation of county commissioners, and declaring an emergency."

Respectfully,

A. W. HOLT,  
Assistant Secretary of the Senate.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 23, 1921.

Hon. Chas. G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 46, A bill to be entitled "An Act to amend Chapter 160, pages 305-309, Acts of the Regular Session of the Thirty-sixth Legislature, entitled 'An Act regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including the fixing of a minimum wage; providing for an appropriation therefor; and fixing penalties for violating this act, and declaring an emergency,' by adding thereto Section 1a, providing extra pay for the Commission; Section 2a, creating additional investigators and compensation therefor, and Section 5a, relating to the employment and wage of female beginners, minors, deficient and experienced women; dividing the State into zones, classifying every business and calling, making the wage fixed under said Chapter 160 and this act reasonable and fair; authorizing the courts to review same, and declaring an emergency."

H. B. No. 227, A bill to be entitled "An Act to provide for the organization of purely co-operative marketing associations, defining their rights, duties and policies, prescribing who may organize such marketing associations, and providing for investigation prior to such organization; prescribing the powers that may be exercised by such marketing associations under this act; prescribing who may become members of such marketing associations; prescribing what shall be contained in the articles

of incorporation; providing for amendments to the articles of incorporation; providing for by-laws and the powers under such by-laws; providing for the meetings of members of any association organized under this act, and prescribing the way and manner in which officers and directors of such corporations may be elected; prescribing for membership certificates and their issuance, and also the liability of members under the articles of incorporation, and limiting the transferring of membership certificates; providing for the removal of officers and directors of any co-operative marketing association organized under this act; providing for a referendum to the stockholders and entire membership of any organization on any question that may be referred to such stockholders or members; providing for marketing contracts of co-operative marketing associations; providing powers, giving the right of purchasing business of other associations, persons, firms and corporations in dealing with an organization incorporated under the terms and provisions of this act; providing for annual reports; limiting the use of the term 'co-operative' as applied to this act; providing for interest in other corporations or associations, and providing contracts and agreements with other associations; providing that any association heretofore organized under the present existing statutes may by majority vote come under the provisions of this act; providing for penalties for the breach of a marketing contract of a co-operative marketing association, and for making false reports about the association and the management thereof; providing that associations organized under this act shall not be construed as in restraint of trade; providing for annual license fees and filing fees under this act, and providing that if any section of this act is declared unconstitutional, the remainder of the act shall remain in full force and effect, and declaring an emergency," with amendments.

Respectfully,

A. W. HOLT.

Assistant Secretary of the Senate.

# HOUSE BILL NO. 23 ON ENGROSSMENT.

The House resumed consideration of pending unfinished business, same being House bill No. 23, to regulate the business and conduct of certain public utilities, on its passage to engrossment

with (committee) amendment by Mr. Curtis, pending.

Mr. Cox offered the following amendment to the (committee) amendment:

Amend House bill No. 23 by adding at the end of (committee) amendment, page 37, the following:

"In the event said utility should then fail or refuse to deliver such title and possession of said plant to said municipality, such failure or refusal shall be ground for appointment of a receiver for said utility in any court of competent jurisdiction upon petition of said municipality; and shall be ground for a mandatory injunction in any such court on the petition of such municipality to compel such utility to deliver such title and possession of such plant to such municipality."

The amendment to the (committee) amendment was adopted.

Question recurring on the (committee) amendment as amended, it was adopted.

Mr. Cummins offered the following amendment to the bill:

(Mr. Seagler in the chair.)

Amend House bill No. 23 by striking out line 29 on page 2.

Mr. Thompson of Harris moved the previous question on the pending amendment, and the main question was ordered.

Mr. Owen moved to reconsider the vote by which the previous question was ordered, and the motion to reconsider was lost.

(Speaker in the chair.)

Question recurring on the amendment striking out the enacting clause of the bill, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—73.

Baldwin.	Childers.
Barker.	Crawford.
Barrett of Fannin.	Crumpton.
Bass.	Cummins.
Beasley	Darroch.
of Hopkins.	Dinkle.
Beasley	Edwards.
of McCulloch.	Faubion.
Beavens.	Fly.
Binkley.	Fugler.
Black, O. B.,	Grissom.
of Bexar.	Hall.
Black, W. A.,	Hanna.
of Bexar.	Hardin.
Bonham.	Henderson
Brady.	of McLennan.
Burmeister.	Henderson
Carpenter.	of Marion.

Johnson of Wichita.	Perry.
Jones.	Quaid.
Kacir.	Rogers of Harris.
Kellis.	Rogers of Shelby.
King.	Satterwhite.
Lackey.	Schweppe.
Lawrence.	Shearer.
Lindsey.	Sims.
McDaniel.	Stephens.
McFarlane.	Stewart
McKean.	of Edwards.
McLeod.	Swann.
Marshall.	Sweet of Brown.
Mathes.	Thomas
Melson.	of Limestone.
Miller of Parker.	Thomason.
Morgan.	Thompson
Moore.	of Harris.
Morris of Medina.	Thompson
Morris	of Red River.
of Montague.	Thorn.
Neblett.	Wadley.
Perkins	Wallace.
of Cherokee.	Wessels.
Perkins of Lamar.	Westbrook.

## Nays—50.

Adams.	Martin.
Aiken.	Merriman.
Baker.	Miller of Dallas.
Brown.	Mott.
Bryant.	Owen.
Burkett.	Pollard.
Burns.	Pool.
Chitwood.	Quicksall.
Cox.	Quinn.
Curtis.	Rice.
Davis, John E.,	Rosser.
of Dallas.	Rountree.
Davis, John,	Rowland.
of Dallas.	Seagler.
Duffey.	Sneed.
Estes.	Stevenson.
Garrett.	Stewart of Reeves.
Greer.	Sweet of Tarrant.
Harrison.	Teer.
Hill.	Thrasher.
Horton.	Veatch.
Johnson of Ellis.	Walker.
Laird.	Webb.
Looney.	West.
McCord.	Wright.
Malone.	

## Absent.

Barrett of Bell.	Lauderdale.
Branch.	Patman.
Coffee.	Pope.
Hendricks.	Smith.
Johnson	Williams
of Gillespie.	of McLennan.
Laney.	

## Absent—Excused.

Duncan.	Kveton.
Harrington.	Leslie.

Menking.

Williams  
of Montgomery.

Mr. Curtis moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

## Reason for Vote.

I vote "no" against this amendment to House bill No. 23 not because I favor the bill as it is, but because I know that for thirty years the Democratic party has favored the regulation of public utilities as against public ownership; and for us to admit that they are not justly and efficiently regulated, and then to kill this bill is an admission that we can not regulate them, or that we are unwilling to do so.

BRYANT.

## HOUSE BILL NO. 227 WITH SENATE AMENDMENTS.

Mr. John Davis of Dallas called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 227, A bill to be entitled "An Act to provide for the organization of purely co-operative marketing associations, defining their rights, duties and policies, prescribing who may organize such marketing associations, and providing for investigation prior to such organization; prescribing the powers that may be exercised by such marketing associations under this act; prescribing who may become members of such marketing associations; prescribing what shall be contained in the articles of incorporation; providing for amendments to the articles of incorporation; providing for by-laws; providing for the meetings of members of any association organized under this act, and prescribing the way and manner in which officers and directors of such corporations may be elected; prescribing for membership certificates and their issuance, and also the liability of members under the articles of incorporation, and limiting the transferring of membership certificates; providing for the removal of officers and directors of any co-operative marketing association organized under this act; providing for a referendum to the stockholders an entire membership of any organization on any question that may be referred to such stockholders or members; providing for marketing contracts of co-operative marketing associations; providing

powers, giving the right of purchasing business of other associations, persons, firms and corporations in dealing with an organization incorporated under the terms and provisions of this act; providing for annual reports; limiting the use of the term 'co-operative' as applied to this act; providing for interest in other corporations or associations, and providing contracts and agreements with other associations; providing that any association heretofore organized under the present existing statutes may by majority vote come under the provisions of this act; providing for penalties for the breach of a marketing contract of a co-operative marketing association, and for making false reports about the association and the management thereof; providing that associations organized under this act shall not be construed as in restraint of trade; providing for annual license fees and filing fees under this act, and providing that if any section of this act is declared unconstitutional, the remainder of the act shall remain in full force and effect, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

Mr. John Davis of Dallas moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the difference between the two houses on the bill.

The motion prevailed.

#### ADJOURNMENT.

On motion of Mr. Miller of Dallas, the House, at 3 o'clock p. m., adjourned until 3 o'clock p. m., Wednesday, February 23.

#### APPENDIX

##### REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, February 22, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 153, "An Act making appropriations to cover authorized deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1920, and August 31, 1921,

respectively, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

FAUBION, Chairman.

Committee Room,  
Austin, Texas, February 22, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 9, Providing for compiling and printing Legislative Manual of the Thirty-seventh Legislature,

Have carefully compared same and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

FAUBION, Chairman.

Committee Room,  
Austin, Texas, February 22, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 320, "An Act to amend Sections 4, 40, 66, 80, 81, 82 and 100 of Chapter 87, Acts of the Regular Session of the Thirty-fifth Legislature, providing for organization and government of water improvement and irrigation districts, and acts amendatory of said Chapter 87, including Chapter 53 of the general laws of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 28, general laws of the Second Called Session of the Thirty-sixth Legislature, and which sections relate, respectively: Section 4, to the mode of appeal from an order of the commissioners court in granting or dismissing petition for organization of a district; Section 40, the collection of delinquent taxes by suit and fixing jurisdiction thereof; Section 66, providing for the sale of bonds of such district; Sections 80, 81 and 82, providing the method of organization of districts embracing lands in two or more counties; and Section 100, providing the method of the selection of depositories of such district, and which amendments to said Sections 4, 40, 66, 80, 81, 82 and 100 provide, respectively: Section 4, for appeals from an order of the county commissioners court in granting or refusing a petition for organization of a district, and that notice of appeal shall be given and perfecting of appeal by filing of a bond at

the time of filing same, and fixing amount of such bond, and providing that the judgment on appeal shall be certified to the commissioners court within ten days after same becomes final; Section 40, for providing taxes to be a lien against property assessed, and enforcement of same, suits for collecting, vesting jurisdiction in district court, and providing no limitations shall apply; Section 66, for providing the method of selling bonds of the district authorized by said Chapter 87, and the amount to be received therefor; Sections 80, 81 and 82, for providing the method of organization and government of districts embracing lands in two or more counties; Section 100, for the selection of depositories of any such district, and providing that if directors of said district should be interested in a bank bidding therefor, such selection shall be passed upon by the county judge of the county in which the depository is located; and by further amending said Chapter 87, General Laws of the Acts of the Regular Session of the Thirty-fifth Legislature, and acts amendatory of said Chapter 87, including Chapter 53 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 28, General Laws of the Second Called Session of the Thirty-sixth Legislature, by the addition of new Sections 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136 and 137, which new sections provide, respectively: Section 122, for the addition of land to a district to be taxed on basis of assessment of benefits; Section 123, for location of office of a district; Sections 124 to 130, inclusive, for the method of levying, assessing, equalizing and collecting taxes by districts adopting the assessment for benefit plan of taxation; Section 131, for providing for districts constituting conservation and reclamation districts adopting plan of levying taxes on a benefit basis instead of an ad valorem basis; Section 132, for providing for levy and collection of taxes on a benefit basis instead of an ad valorem basis by districts operating under contract with the United States, and the method of levying and collecting same; Section 133, for providing for sale of power privileges by such districts and the conditions thereof; Section 134, providing for assessment and collection of taxes by county officers in event of default therein by district officers, and providing district may avail itself of assessments and equalization made by county

officers, and providing the method of handling same; Section 135, providing for sale of surplus water; Section 136, repealing Section 5a, Chapter 12, General Laws, Second Called Session of the Thirty-fifth Legislature, and all laws in conflict with the provisions thereof; Section 137, emergency clause."

Have carefully compared same and find it correctly enrolled and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

FAUBION, Chairman.

### THIRTIETH DAY.

(Wednesday, February 23, 1921.)

The House met at 3 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Thomas.

The roll was called and the following members were present:

Adams.	Edwards.
Aiken.	Estes.
Baker.	Faubion.
Baldwin.	Fly.
Barker.	Fugler.
Barrett of Bell.	Garrett.
Barrett of Fannin.	Greer.
Bass.	Grisson.
Beasley	Hall.
of Hopkins.	Hanna.
Beasley	Hardin.
of McCulloch.	Harrison.
Beavens.	Henderson
Binkley.	of McLennan.
Black, O. B.,	Henderson
of Bexar.	of Marion.
Black, W. A.,	Hendricks.
of Bexar.	Hill.
Brady.	Horton.
Branch.	Johnson
Brown.	of Gillespie.
Bryant.	Johnson of Ellis.
Burkett.	Johnson
Burmeister.	of Wichita.
Burns.	Jones.
Carpenter.	Kacir.
Childers.	Kellis.
Chitwood.	King.
Coffee.	Lackey.
Cox.	Laird.
Crawford.	Lawrence.
Crumpton.	Lindsey.
Cummins.	Looney.
Curtis.	McCord.
Darroch.	McDaniel.
Davis, John E.,	McFarlane.
of Dallas.	McKean.
Davis, John,	McLeod.
of Dallas.	Malone.
Dinkle.	Martin.
Duffey.	Marshall.